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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,088	04/13/2001	Gary Reding	20697-301	2977

7590 05/29/2007
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EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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05/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/835,088	Applicant(s) REDING ET AL.	
	Examiner Michael Cuff	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 25-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-34 are rejected under 35 U.S.C. 102(b) as being anticipated by
www.usafutures.com.

www.usafutures.com, dated 1/25/99 as shown by archive.org, shows an online brokerage firm. (see online trading in directory, means for generating a contract between buyers and sellers or intermediaries and producers). The “hedging – soybeans example”, found in the directory, explains the use of the futures market in the agricultural market. A futures contract includes the type of commodity, the quantity and a price, which is equal to the local cash bid or flat price and a basis price. (this is in the memory) The online brokerage (having first computing sub-system) receives electronic request from clients. (some clients are intermediaries) www.usafutures.com has communications with the commodities exchange. (second sub-system) The system has a web page and each account holder or client would have access specific to their own account. (third sub-system) From the example, it is clear that a producer of an agricultural commodity would be a client and therefore could be received at the website (means for transmitting the web page). The determination or calculation of a flat price (means for calculating flat price) is an inherent feature of agricultural price

structure. A broker would be well aware of this old and well-known simple mathematical relation. The hedging process (fourth sub-system) described is where the broker (acting on behalf of a client) obtains future contracts in order to reduce price risk when a client is prepared to trade in the actual commodity. Online brokers have real time commodity pricing (means for receiving price information for anyone), which is on their websites, show in graphs and tables (correlating).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friend et al. in view of usafutures.com.

Friend et al. shows all of the limitations of the claims except for specifying the details of automatically hedging an agricultural transaction, including accessing data from the commodity exchange and obtaining a futures contract.

Friend et al. shows a method and apparatus for Internet connectivity for agriculture buyers (elevator operators), sellers (farmers) and transporters (anyone else involved with the agricultural farmer to market process). Figure 9 shows a web site portion customized for a seller (farmer) including specifics on name, quantity, location, delivery, and other terms and conditions. Figure 10 shows a web site portion

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customized for a buyer (elevator operator is a buyer in the agricultural process, see applicant's specification) including specifics on name, quantity, location, delivery, and other terms and conditions. These web site portions are transmitted and received.

Figure 4 shows Industry links 66 to the web server. The description of these links in paragraph [0053] shows that the third party content can be hosted by the web server.

usafutures.com teaches an online brokerage firm. (see online trading in directory, means for generating a contract between buyers and sellers or intermediaries and producers). The "hedging – soybeans example", found in the directory, explains the use of the futures market in the agricultural market. A futures contract includes the type of commodity, the quantity and a price, which is equal to the local cash bid or flat price and a basis price. (this is in the memory) The online brokerage (having first computing sub-system) receives electronic request from clients. (some clients are intermediaries) www.usafutures.com has communications with the commodities exchange. (second sub-system) The system has a web page and each account holder or client would have access specific to their own account. (third sub-system) From the example, it is clear that a producer of an agricultural commodity would be a client and therefore could be received at the website (means for transmitting the web page). The determination or calculation of a flat price (means for calculating flat price) is an inherent feature of agricultural price structure. A broker would be well aware of this old and well-known simple mathematical relation. The hedging process (fourth sub-system) described is where the broker (acting on behalf of a client) obtains future contracts in order to reduce price risk when a client is prepared to trade in the actual commodity.

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Online brokers have real time commodity pricing (means for receiving price information for anyone), which is on their websites, show in graphs and tables (correlating).

Based on the teaching of www.usafutures.com, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Fiend et al. system to incorporate www.usafutures.com as an industry link in order to facilitate the hedging process in an agricultural transaction. (The soybean example is explicit motivation that this is what the www.usafutures.com was intend to do.)

Response to Arguments

2. Applicant's arguments filed 5/9/07 have been fully considered but they are not persuasive.

Applicant asserts that claim 25 is allowable for the same reasons as claim 1. The examiner does not concur. Claims 25-34 does not have the same limitations as claim 1, specifically limitations on a web page. The usafutures.com reference still reads on these broad claims.

Applicant's arguments with respect to claims 1-4 and 35-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Cuff 5/14/07

Michael Cuff
May 14, 2007

**MICHAEL CUFF
PRIMARY EXAMINER**